

Application No. 09/745,323
Amendment dated July 1, 2004
Response to Office Action of March 1, 2004

Atty. Docket No. 042390.P9916
Examiner Rosen, Nicholas
TC/A.U. 3625

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein.

Claims 1, 4, 5, 8, 10, 16, 20, 22, 26, 28, 40, 43, 44, and 50 have been amended. Claims 33-39, 51-52 have been canceled, thus claims 1-32, 40-50 are pending, of which claims 1, 4, 16, 20, 28, 40, 42, 45, 49, and 51 are independent.

Applicants thank the Examiner for the obvious attention and detailed efforts paid to the present matter. Applicants also thank the Examiner for taking the time today to discuss the present matter, and in particular in discussing a wording change to the phrase "if not" in claim 16 to overcome the objections to claims 16-19 and 45-48.

Claim 25 was deemed allowable if rewritten in independent form and such amendment has been performed without making any changes to the scope of the claim.

Objections

The specification was objected to at page 7; the suggested amendment has been made. Regarding the drawing objection, the drawings have been edited to delete the two boxes numbered 214 and 228 that were not referenced in the specification. A corrected drawing is being provided along with this response.

Claims 4-15 and 42-43 have also been object. Regarding claims 16-19 and 45-48, as discussed, the phrase "if not" in claim 16 has been amended to "to determining the manifest cannot be edited" to overcome the objections to claims 16-19 and 45-48. Regarding the other objections to the claims, the clerical errors in claims 4, 5, 10, 28, 30, 40, 43, 44, and 50 have been addressed.

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Regarding the objection to claims 22, 26, and 27, it is respectfully noted that the term "criteria" is intended as a search may be based on one or more things, hence the plural term. However, the unnecessary "a" before "criteria" has been deleted from the claims so that the language is consisted with the term.

Regarding the objection to claim 31, the phrase "to facilitate" has been amended to recite "wherein said cryptographically signing facilitate." The more affirmative suggested language of "said cryptographic signing identifies..." has not been completely adopted since the identification may require more than just checking the signing.

35 USC §102

Claims 1-3, 4, 5, 9, 10, 12, 13, 14 stand rejected under §102(e) as being anticipated by Wiser et al. (US Patent 6,385,596). **Claim 1, 4** have been amended to recite "the manifest comprises structure corresponding to a physical structure of the work". It is respectfully submitted that the document relied on by the Patent Office fails to teach the manifest having a structure related to the physical structure of a work. In particular, no such teaching or suggestion is indicated at the cited portion of Wiser at figure 2 or col. 6 line 47 – col. 7 line 17.

Claim 20 stands rejected under 35 USC 102(e) as being anticipated by Spagna (US Patent No. 6,587,837). Claim 20 recited a system comprising "a receiver communicatively coupled to the communication agent, said receiver configured to inspect said meta-data and process the collection accordingly." Claim 20 has been amended to further recite "wherein said processing the collection includes comparing the meta-data to a policy and editing the meta-data, if necessary, to comply with the

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policy." It is submitted this claim is allowable for at least the reasons of allowance provided for claims 16 and 25.

35 USC §103

Claims 6, 7, 8, 11, 15, 40-44, stand rejected under 35 USC §103(a) as being unpatentable over Wiser in view of official notice. Given the amendments herein, it is believed these rejections are now moot, and hence these rejections are not being substantively addressed at this time. Hence, regarding **claims 6, 7, 8, 11, 15**, it is submitted these dependent claims are allowable for at least the reason as depending from allowable base claims. And, regarding claims 40-44, it is submitted that **claims 40-52** are allowable for at least the reason as the allowability of the underlying claims to which these claims refer. Please refer to related arguments herein regarding the allowability of article claims 40-52.

Claims 21-24, 26, 27 stand rejected under §103(a) as being unpatentable over Spagna further in view of McCoy et al. (US Patent Publication 2002/0037311). Given the amendments herein, it is believed these rejections are now moot, and hence these rejections are not being substantively addressed at this time. It is submitted these dependent claims are allowable for at least the reason as depending from allowable base claims.

Claims 28-30, 32, 49 and 50 stand rejected under §103(a) as being unpatentable over McCoy in view of Wiser.

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Regarding claim 28, a related amendment has been made to claim 28, in which the meta-data has been further described as having "a structure corresponding to a physical structure of a good associated with the digital resource." It is believed the documents relied on by the Office fail to teach or suggest a manifest with this characteristic.

Regarding dependent claims 29, 30, and 32, it is submitted these dependent claims are allowable for at least the reason as depending from allowable base claims. Regarding claims 49 and 50, these claims have been addressed with respect to the underlying claims 28, 29 to which they refer.

Claims 33-35 stand rejected under §103(a) as being obvious over Wisner in view of Spagna, and claims 36-39 and 51-52 stand rejected under §103(a) as being obvious over McCoy in view of official notice. To facilitate passage to issuance of the other claims, the substance of these rejections have not been addressed at this time. Applicants intend to pursue these claims, as well as the other claims not initially allowed in this action, in a continuing filing.

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Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-32 and 40-50 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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Attachments

FIG. 2



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